HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20613 of 2005

Dated 20th September, 2005

Between:

M/s.Anand Modern Rice mill

Rep. by its Partner Ch.Kumaraswamy .. Petitioner

And

The Senior Accounts Officer,

RRN AP CP DCL, Gunrock, Secunderabad and

two others .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20613 of 2005

ORAL ORDER:

This writ petition is filed seeking Certiorari by calling for the records relating to the Bill No.2151 dated 1.9.2005 for electricity charges for the month of August, 2005 and to quash the same.

The learned counsel for the petitioner has contended that Sub-section 2 of Section 56 of the Electricity Act, 2003 has been followed,

and if there are arrears for a period of more than two years, the same can be recovered from the petitioner and the electricity supply cannot be disconnected.

The learned standing counsel for the respondents has contended that Section 56 has no application to the facts of this case.

The grievance of the petitioner is that in the electricity bill for the month of August, 2005, an amount of Rs.73,040/- for the month of September, 2002, Rs.4,111/- for the month of April, 2003 and Rs.30,050/- for the month of June, 2003 have been shown and the same was done without there being any notice to the petitioner. Therefore, the petitioner prays to allow the writ petition.

The learned counsel for the petitioner has placed strong reliance on Sub-section (2) of Section 56 of the Electricity Act, 2003 which reads thus:

> *"Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer under this section shall be recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity".*

The said Act came into force with effect from 10.6.2003. Therefore, the arrears prior to 2003 if any payable by the consumer to the Electricity Board, will not be made applicable. However, when the petitioner is disputing with regard to the payment of those amounts relating to the period prior to 2003, an appropriate decision has to be taken by the 1st respondent in accordance with law. The petitioner also gave representation, dated 16.9.2005 to the respondents.

Hence, the supply of electricity to the petitioner-Anand Modern Rice Mill shall not be disconnected provided the petitioner pays 50% of the amount claimed in the bill as expeditiously as possible, at any rate, within a period of two weeks from the date of receipt of a copy of this order, thereafter, the respondents shall take appropriate decision in accordance with law.

With the above observation, the writ petition is disposed of. No costs.

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20.09.2005

bcj